

# CITY OF SAN DIEGO ETHICS COMMISSION

## INVESTIGATION AND ENFORCEMENT PROCEDURES DEADLINES

### **Filing of Complaint**

- a. Executive Director has 5 days to acknowledge receipt. §26.0422(a)
- b. Executive Director has 30 days to complete Preliminary Review. §26.0422(b)
  1. Executive Director has 15 days to complete Preliminary Review if 90 days before election. §26.0422(c)
  2. Executive Director must wait until after the election if complaint received 30 days before election. (§26.0422(c))

### **After Completion of Preliminary Review**

- a. Executive Director has 30 days from completion of Preliminary Review to make recommendation to Commission. §26.0423(a)
- b. If Commission decides no formal investigation, Executive Director has 5 days to notify parties. §26.0423(c)(1)
- c. If Commission decides to conduct formal investigation, Executive Director has 5 days to notify parties. §26.0423(d)
- d. If Commission decides to conduct formal investigation, Executive Director has 180 days to complete it from date of Commission's decision. §26.0424(a)

### **Probable Cause Hearing**

- a. The Probable Cause Hearing shall be scheduled on a date within 90 days of the date the Commission's ordered the hearing. §26.0426(a)(1)
- b. After ordering the hearing, the Commission has 30 days to appoint a Special Prosecutor and appoint a Presiding Authority. §26.0426(b)
- c. Executive Director must serve Respondent with Probable Cause Report, Draft Administrative Complaint, and notice of the hearing within 60 days of hearing. §26.0426(c)
- d. Respondent must file and serve response to Probable Cause Report within 21 days of hearing. §26.0426(d)
- e. Special Prosecutor must serve rebuttal on Respondent within 10 days of hearing. §26.0426(e)
- f. Presiding Authority has 30 days after hearing to submit Probable Cause Recommendation to Commission. §26.0429(a)
- g. Commission has 45 days after receipt of Probable Cause Recommendation to make Probable Cause determination. §26.0429(b)
- h. If Commission determines there is no probable cause, Executive Director shall notify Complainant and Respondent within 5 days of determination. §26.0429(c)

### **Administrative Hearing**

- a. The Administrative Hearing shall be scheduled on a date within 90 days of the date the Commission's

- ordered the hearing. §26.0430(a)(1)
- b. After ordering the hearing, the Commission has 30 days to appoint a Special Prosecutor and appoint a Presiding Authority. §26.0430(b)
  - c. Executive Director has 60 days to serve Respondent with Final Administrative Complaint. §26.0430(c).
  - d. Parties may submit brief to Presiding Authority within 7 days of hearing. §26.0430(f)
  - e. Presiding Authority has 20 days after hearing to provide Commission with Presiding Authority's Recommendation. §26.0432(a)
  - f. Executive Director must mail copies of the Recommendation to the parties within 3 calendar days of Commission's receipt of Presiding Authority's Recommendation. §26.0432(d)

### **Open Meeting of the Commission**

- a. Parties may submit brief to Commission within 10 days of the mailing of the Recommendation. §26.0432(e)
- b. Commission shall conduct open meeting within 45 days of the mailing of the Recommendation, and vote at that time. §26.0433(a)
- c. Respondent has 90 days to seek judicial review. §26.0434(f)

### **Subpoenas**

- a. Requests for subpoenas must be submitted no later than 20 days before appearance at hearing, or 35 days before production. §26.0435(c)(1)
- b. Request must be ruled on within 5 days. §26.0435(c)(2) and (3)
- c. Subpoenas must be served at least 10 days before appearance, or 25 days before production. §26.0435(e)
- d. Objections to subpoena must be made no later than 7 days before date of appearance or production. §26.0435(g)
- e. Objections must be ruled on within 5 days. §26.0435(g)(1) and (2)